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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO | |
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| 09/739,753 | 12/20/2000 | Hee Bok Kang | HME/K-10Q | HME/K-10Q 4978 | |
| 34610 | 7590 04/18/2003 | · | • | | |
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| | | | 2824 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Commonstrate | / | Application No. | Applicant(s) | | | | |
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| ## Examiner Art Unit 2524 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Subsequence of interminity is evaluable under the provisions of 3 D CPR 1 130(s). In an event, however, may a reply be timely tilled - If the period for reply specified above, the amortum statistically period will add to period in reply is specified above, the amortum statistically period will apply and will capte Sk (8) MXNTHS from the making late of this communication of their (30) stays will be considered timely - If the period for reply is specified above, the amortum statistically period will apply and will capte Sk (8) MXNTHS from the making late of this communication of their (30) stays will be considered timely - Any reply received by the Office later than these members after the making date of this communication, even if timely filled, may reduce a my - status 1) | , · · · · · · · · · · · · · · · · · · · | | | | | | |
| Michael K. Luhrs 2924 | Office Action Summary | | | | | | |
| - The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _I MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinous form may be available used the provisions of 3 CPR 1.130(a). In no event, however, may a reply be timely filed If the period for reply specified above is less than thirty (30) days, or specified above is less than thirty (30) days, or specified above is less than thirty (30) days, or specified above is less than thirty (30) days, with the statutory more of the period for reply specified above is less than thirty (30) days, with the statutory more of this possibility (30) days, with the considered sinely. If the period for reply specified above is less than thirty (30) days, with the statutory more of this possibility (30) days, with the considered sinely. If the period for reply specified above is less than thirty (30) days, with the statutory more of this possibility (30) days with the considered sinely. If the period for reply specified above is less than thirty (30) days, with the considered sinely. If the period for reply specified above, the making dain with the statutory and will depend and likely and the specified and | - | | | | | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. after SIX (6) MONTHS from the mailing date of this communication. If the period from play specified above, the mailing date of this communication. If the period from play specified above, the mailing date of this communication. If the period from play specified above, the mailing date of this communication. If the period from play specified above, the mailing date of this communication, and the period will apply and will expire SIX (6) MONTH'S from the mailing date of this communication, and the period will apply and will expire SIX (6) MONTH'S from the mailing date of this communication, and the period will apply and will expire SIX (6) MONTH'S from the mailing date of this communication, and the period will apply and will expire SIX (6) MONTH'S from the mailing date of this communication, and the period will apply and will expire SIX (6) MONTH'S from the mailing date of this communication, and the period will apply | | | 1 | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waited under the provisions of 3 CPR 1 136(a). In no event, however, may a legly be limely sited after SIX (6) MONTHS from his making date of this communication. It is provided to the provision of the priority documents have been received in Application No. [1] Certified copies of the priority documents have been received in Application No. [2] Copies of the certified copies of the priority documents have been | Period for Reply | | · | | | | |
| 1) Responsive to communication(s) filed on 13 February 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 15-41 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 15-41 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is: a) approved by the Examiner. 11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. 12 The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some *c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received. 14) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-892) 20 Notice of Informal Patent Application (PTO-152) | THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.130 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply of If NO period for reply is specified above, the maximum statutory period with Failure to reply within the set or extended period for reply will, by statute, of Any reply received by the Office later than three months after the mailing of earned patent term adjustment. See 37 CFR 1.704(b). | 6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) day: ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE | nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133). | | | | |
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Application/Control Number: 09/739,753

Art Unit: 2824

DETAILED ACTION

Election/Restrictions

- 1. This application contains claims directed to the following patentably distinct species of the claimed invention:
- I. Method: Figs. 11a-11i; Description: Assymetrically formed *active regions*; 2nd electrode "111" integral with conductive connection, (Specification p. 21).
- II. Method: No representative method Figures provided. Description: Assymetrically formed active regions; 2nd electrode as island region ("Alternative", p. 24, i.e. 2nd electrode without being integrally formed with the conductive layer 111.)
 - III. Method: Figs. 14a-14i, symmetrical capacitors.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, there is no generic.

(Examiner notes of remaining Figures:

Figure 9 is for Device according to lines 9-12, p. 16.

Figures 10a-10i help to define species I above, as a top view of Figs. 11a-11i, respectively.

Figure 12 describes Device row arrangement, line 4, p.26.

Figures 13a-13i are for Device, lines 14-15, p. 27.)

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Attorney Weslowski on April 17, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made. (The attorney stating the applicant required the restriction requirement in writing).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Luhrs whose telephone number is 703-305-2864.
- 4. The examiner can normally be reached on M-F; 8:00 a.m. 5:00 p.m. (other Fridays off)...
- 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard T. Elms can be reached on 703-308-2816.
- 6. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.
- 7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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Michael K. Luhrs April 17, 2003

> RICHARD ELMS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800